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**Proposed Liaison Counsel for Lead Plaintiff
Movant Adrian G. Mongeli and the Class**

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**Proposed Lead Counsel for Lead Plaintiff
Movant Adrian G. Mongeli and the Class**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

I.B.I. INVESTMENTS, LTD. Individually,)
And On Behalf Of All Others Similarly)
Situating,)
Plaintiff,)
vs.)
TERAYON COMMUNICATIONS)
SYSTEMS, INC., ZAKI RAKIB, JERRY)
D. CHASE, MARK A. RICHMAN, and)
EDWARD LOPEZ,)
Defendants.)

CASE NO.: 3-06-CV-03936 MJJ

CLASS ACTION

**AMENDED [PROPOSED] ORDER
GRANTING MOTION FOR
APPOINTMENT OF LEAD PLAINTIFF
AND APPROVAL OF CHOSEN
COUNSEL**

**DATE: October 24, 2006
TIME: 9:30 a.m.
CTRM: 11, 19th Floor**

1 WHEREAS the Court has considered the Motion of Adrian G. Mongeli to Be Appointed
2 Lead Plaintiff Pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to
3 Approve Proposed Lead Plaintiff's Choice of Counsel, the supporting Memorandum of Points and
4 Authorities, the Declaration of Michael D. Braun, and all other related documents filed;

5 WHEREAS I.B.I. Investments Ltd. has withdrawn its Motion to Appoint Lead Plaintiff and
6 Lead Counsel by notice filed on September 22, 2006;

7 WHEREAS proposed Lead Plaintiff Mongeli has notified the Court that there are no other
8 movants seeking appointment as Lead Plaintiff;

9 IT IS HEREBY ORDERED as follows:

10 1. The hearing previously scheduled for October 24, 2006, to consider the motions to
11 appoint lead plaintiff and counsel is hereby canceled.

12 2. Adrian G. Mongeli is appointed Lead Plaintiff pursuant to Section 21D(a)(3)(B) of
13 the Securities Exchange Act of 1934.

14 3. The law firms Kahn Gauthier Swick, LLC and Saxena White P.A. are appointed
15 Lead Counsel, and the law firm Braun Law Group, P.C. is appointed Liaison Counsel.

16 4. Lead Counsel shall direct and control this litigation as counsel to Lead Plaintiff and
17 the proposed class. Lead Counsel shall assume and exercise all of the powers and responsibilities
18 permitted in this jurisdiction as counsel to Lead Plaintiff and the Proposed Class. With respect to
19 scheduling and/or procedural matters, Defendants' counsel may rely upon all agreements with Lead
20 Counsel.

21 5. No pleadings or other papers shall be filed or discovery conducted by any plaintiff
22 except as directed or undertaken by Lead Counsel.

23 6. When an action that arises out of the same subject matter of this action is filed in this
24 Court or transferred from another Court ("Related Action"), Lead Counsel shall notify the Clerk by
25 filing a Notice of Related Action. The Clerk, within five days of such filing, shall:

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- 1 a. File a copy of this order in the separate file for such action;
- 2 b. Mail a copy of this order to the attorneys for plaintiff(s) in the newly filed or
- 3 transferred case and to any new defendant(s) in the newly filed or transferred case; and
- 4 c. Make the appropriate entry in the docket for this action.
- 5 7. Each new Related Action shall be consolidated with this action, pursuant to Federal
- 6 Rules of Civil Procedure 42, and shall be governed by this order, unless a party objects to
- 7 consolidation, or any provision of this order, within 11 days after the date upon which a copy of this
- 8 order is served on counsel for such party, by filing an application for relief and this Court deems it
- 9 appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of
- 10 any parties' right to object to consolidation of any related action subsequently filed or transferred.
- 11 8. Counsel in any Related Action that is consolidated with this action shall be bound by
- 12 this order.
- 13 9. Service of any papers on Lead Plaintiff shall be deemed to be complete for all
- 14 purposes when a copy is served on or by Lead Counsel.
- 15 10. The parties shall adhere to the deadlines established in their Stipulation and Order
- 16 Regarding Schedule for Filing Amended Complaint and Responsive Documents, approved by the
- 17 Court on _____, 2006.

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19 IT IS SO ORDERED:

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21 DATED: _____, 2006

HON. MARTIN J. JENKINS
U. S. DISTRICT COURT JUDGE

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23 Respectfully submitted by:

24 Michael D. Braun
25 BRAUN LAW GROUP, P.C.
26 12400 Wilshire Blvd., Suite 920
27 Los Angeles, CA 90025
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 Fax: (310) 442-7756

Proposed Liaison Counsel for Lead Plaintiff
Movant Adrian G. Mongeli and the Class

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9 **Proposed Lead Counsel for Lead Plaintiff**
10 **Movant Adrian G. Mongeli and the Class**
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PROOF OF SERVICE

STATE OF CALIFORNIA)
)ss.:
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los Angeles, CA 90025.

On October 17, 2006, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

**AMENDED [PROPOSED] ORDER GRANTING MOTION FOR APPOINTMENT OF
LEAD PLAINTIFF AND APPROVAL OF CHOSEN COUNSEL**

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

Lionel Z. Glancy, Esq. info@glancylaw.com

Attorneys for Plaintiff

On October 17, 2006, I served the document(s) described as:

**AMENDED [PROPOSED] ORDER GRANTING MOTION FOR APPOINTMENT OF
LEAD PLAINTIFF AND APPROVAL OF CHOSEN COUNSEL**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

Maya Saxena, Esq.
Joseph E. White, III., Esq.
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**Attorneys for Proposed Lead Plaintiff
Movant Adrian G. Mongeli and the Class**

1 Patrick E. Gibbs, Esq.
Amy Stein, Esq.
2 LATHAM & WATKINS LLP
140 Scott Drive
3 Menlo Park, CA 94025
Tel: (650) 463-4696
4 Fax: (650) 463-2600

5 **Attorneys for Terayon Communications Systems, Inc.**

6 Zaki Rakib
c/o Terayon Communications Systems, Inc.
7 4988 Great America Parkway
Santa Clara, CA 95054

8 Jerry D. Chase
9 c/o Terayon Communications Systems, Inc.
4988 Great America Parkway
10 Santa Clara, CA 95054

11 Mark A. Richman
c/o Terayon Communications Systems, Inc.
12 4988 Great America Parkway
Santa Clara, CA 95054

13 Edward Lopez
14 c/o Terayon Communications Systems, Inc.
4988 Great America Parkway
15 Santa Clara, CA 95054

16 **Defendants**

17 I served the above document(s) as follows:

18 BY MAIL. I am familiar with the firm's practice of collection and processing
correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
19 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course
of business. I am aware that on motion of the party served, service is presumed invalid if postal
20 cancellation date or postage meter date is more than one day after date of deposit for mailing in an
affidavit.

21 I declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the above-
22 listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the
following electronic mail address provided by the Securities Class Action Clearinghouse:

23 **scac@law.stanford.edu**

24 I am employed in the office of a member of the bar of this Court at whose direction the
25 service was made.

1 I declare under penalty of perjury under the laws of the United States that the above is true
2 and correct.

3 Executed on October 17, 2006, at Los Angeles, California 90025.
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5 /S/ LEITZA MOLINAR

6 Leitza Molinar
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